

REMARKS/ARGUMENTS

Review and reconsideration of the subject application in view of the present amendment is respectfully requested.

By the present amendment, applicants amend claim 11 to include the limitations of claims 16 and 17. Applicants cancel claims 16, 17, 23-25 and 28-30 without prejudice. Applicants further amend claim 19 to depend from claim 11 such that the application includes a single independent claim (i.e., claim 11) with the remaining claims (i.e., claims 13-15, 19, 20, 22, 26 and 27) depending directly or indirectly from independent claim 11. Accordingly, claims 11, 13-15, 19, 20, 22, 26 and 27 stand pending in this application. Reconsideration and allowance is respectfully requested.

In the Official action dated September 18, 2006, the examiner rejected claims 23-25 under 35 U.S.C. § 112, second paragraph. Applicants have canceled claims 23-25 without prejudice and therefore submit that all claims are in full compliance with 35 U.S.C. § 112, second paragraph.

The examiner further rejects claims 11, 13, 16, 22 and 26-30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,736,826 to White in view of U.S. Patent No. 5,324,948 to Dudar et al. The examiner further rejects claims 11, 13-16, 27 and 30 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,275,747 to Wada et al. in view of Dudar et al. Still further, the examiner rejects claims 23-25 and 30 under 35 U.S.C. § 103(a) as being unpatentable over Wada et al. in view of White et al. Applicants respectfully traverse these rejections.

Applicants, however, appreciate the examiner's indication of allowable subject matter with respect to claims 17 and 19-20 in the Official action of September 18, 2006. In an effort to

expedite prosecution of the application, claims 17 and 16 have been incorporated into claim 11. Applicants therefore respectfully submit claim 11 is in condition for allowance. In a further effort to expedite prosecution of this application, Applicants have canceled claims 16, 17, 23-25 and 28-30. Moreover, the dependency of claim 19 has been changed to claim 11. Accordingly, all of the dependent claims (i.e., claims 13-15, 19, 20, 22, 26 and 27) depend directly or indirectly from allowable claim 11. Applicants therefore respectfully request withdrawal of the corresponding rejections of the claims and allowance of claims 11, 13-15, 19, 20, 22, 26 and 27.

Applicants appreciate the telephone interview conducted between the undersigned and Examiner Michael E. Butler on February 26, 2007 and the telephone interview conducted between the undersigned and Supervisory Patent Examiner Patrick Mackey on March 1, 2007. During both interviews, the advisory action of January 23, 2007 was discussed. More particularly, it was noted in both interviews that the advisory action indicated that claims 11, 13-15, 19, 20 and 22 would be allowable if submitted in a separate amendment canceling the non-allowable claims. The undersigned noted that claims 26 and 27 should be added to this listing of allowable claims since both claims depend directly or indirectly from independent claim 11. Examiner Butler agreed that claims 26 and 27 may have been inadvertently omitted from the listing of allowable claims since claims 26 and 27 depend directly or indirectly from independent claim 11. This issue was also discussed with Supervisory Patent Examiner Patrick Mackey who agreed to reconsider allowability of claims 26 and 27 as depending directly or indirectly from independent claim 11.

During both interviews, nonentry of the documentation submitted after final to perfect the priority date of this application was also discussed. Agreement was not reached on this issue. However, in an effort to expedite prosecution of this application, the undersigned agreed with

Supervisory Patent Examiner Patrick Mackey to cancel claims 16, 17, 23-25 and 28-30 (without prejudice) to remove the outstanding rejections in an effort to expedite prosecution of the application.

In the amendment after final dated December 18, 2006, applicants requested that the examiner initial the “Patent Abstracts of Japan” English abstract listed in the “Other References” section of the PTO-1449 otherwise considered by the Examiner on May 24, 2005. A copy of the PTO-1449 was provided for the convenience of the examiner. However, in the Advisory Action dated January 23, 2007, the examiner lined through the reference, indicating that it was not considered. During both interviews, the indication by Examiner Butler that the English abstract published by Patent Abstracts of Japan was not being considered was discussed. During the interview, Examiner Butler indicated the abstract was not being considered because there was no apparent statement of relevance and because the Information Disclosure Statement allegedly failed to properly indicate that only the one page English abstract was being considered. Examiner Butler disagreed with the undersigned that the abstract was in English and should be considered since the Information Disclosure Statement indicated that the reference was a one page abstract. Supervisory Patent Examiner Mackey agreed with the undersigned that the abstract should be considered for these reasons. Applicants therefore respectfully request an initialed copy of the Information Disclosure Statement indicating that the one page English abstract published by Patent Abstracts of Japan has been considered.

Accordingly, as suggested in the Advisory Action of Examiner Butler, claims 11, 13-15, 19, 20 and 22, together with claims 26 and 27, have been submitted in a separate amendment canceling the remaining claims.

Appl. No. 09/831,084
Amdt. Dated March 1, 2007
Reply to Office action of January 23, 2007

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33486.

Respectfully submitted,

PEARNE & GORDON LLP

/Stephen S. Wentsler/
Stephen S. Wentsler, Reg. No. 46403

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

Date: March 1, 2007